



Overview of Weekly Proceedings for the Missing Women Commission of Inquiry

By Robyn dean Gervais, Independent Counsel for Aboriginal Interests at the Missing Women Commission of Inquiry

The purpose of this overview is to provide readers with a brief summary of the proceedings of the Missing Women Commission of Inquiry for the week of January 30 to February 2, 2012. Readers are welcome to distribute this summary to any person or organization they think may benefit from it.

Readers are also welcome to follow my Twitter feed at RobynGervaisMWI, or to visit the website of Harper Grey LLP (<http://www.harpergrey.com>), the firm of Bryan Baynham, Q.C., who is providing *pro bono* counsel.

A. DAILY HEARING SCHEDULE

Hearings will now begin daily at 9:30 a.m., and the lunch break has been shortened to one hour between 12:30 p.m. and 1:30 p.m. At the close of hearings last week, Commissioner Oppal indicated that the Commission would attempt to maintain the Monday to Thursday schedule, in order to allow counsel time to prepare for each witness, as well as to conduct their outside practice.

B. SURVIVAL, STRENGTH & SISTERHOOD: POWER OF WOMEN IN THE DOWNTOWN EASTSIDE

Readers may be interested in viewing a short film produced by Alejandro Zuluaga and Harsha Walia that documents the twenty-year history of the annual Memorial March for missing and murdered women in the Downtown East Side. The film is called *Survival, Strength & Sisterhood: Power of Women in the Downtown Eastside* and is intended for free distribution to the public. It can be viewed at the following link:

<http://vimeo.com/19877895>

C. CROSS-EXAMINATION OF CONSTABLE LORI SHENHER

Vancouver Police Department (“VPD”) Detective Constable Lori Shenher (“Shenher”) became the lead VPD investigator on the Missing Women case, after joining Detective Al Howlett in the Missing Person Unit in 1998. She received the first informant tip from Bill Hiscox that suggested that Robert Pickton (“Pickton”) was responsible for the Downtown East Side disappearances, and she formed a working relationship with then-Corporal Mike Connor (“Connor”) of the Coquitlam RCMP. She worked on the missing women investigation until she requested a transfer from the Missing Person Unit in November of 2000.

During cross-examination, Shenher testified that while posted to the VPD’s Prostitution Task Force in the early 1990s, she had become familiar with the lifestyles of sex trade workers in the Downtown East Side

and developed trusting relationships with many of them. She acknowledged that she was aware that there were a disproportionately large number of Aboriginal women among the missing, and among the Downtown East Side population generally. She also acknowledged that many Aboriginal people are particularly distrustful of the police, owing in part to the nature of the historical relationship between Aboriginal people, the government, and the police. Shenher testified that she had first become aware of this heightened mistrust when, in her prior career as a journalist, she had covered an Aboriginal protest against the damming of the Old Man River in Alberta. However, Shenher agreed that while working for the VPD, she had never once undergone any Aboriginal cultural sensitivity training, nor training on how the police could go about rebuilding a trusting rapport with the Aboriginal community and individuals.

Shenher informed the Commission that it was important to document the ethnicity of a missing person, and conceded that at the time of the missing women investigations, VPD practice was to record only whether the missing person was “white” or “non-white”. Nonetheless, she said that while she was personally aware of the Aboriginal heritage of the women she was investigating, she agreed that if another officer were to review a victim’s file, they would be able to discern only whether the missing person was white or non-white. She agreed that the white/non-white classification was inadequate to document a missing person’s Aboriginal heritage, nor to inform specific measures that should entail when investigating the disappearance of an Aboriginal person.

Shenher was initially uncertain whether there were specific investigative measures that should’ve been done to locate missing Aboriginal people. However, I suggested to her that the VPD ought to have devoted more effort to contacting Aboriginal organizations such as the various Friendship Centers, the Union of British Columbia Indian Chiefs, the First Nations Summit, and Native Court Workers since these organizations were in a unique position to offer helpful information to the police. I also suggested that the federal Department of Indian Affairs and Northern Development might have been able to provide valuable insight. Shenher acknowledged that all of these organizations could’ve and should’ve been contacted as part of the missing women investigation. However, she also pointed out that because the investigation was chronically under-staffed, she had little opportunity to take on these added tasks.

Shenher acknowledged that it would not have harmed the investigation if the police had issued a warning to the Aboriginal community about the disappearances from the Downtown East Side, but she also noted that senior officers had never ordered the issuance of such a warning. She admitted that the VPD was mistaken in failing to circulate a “reward poster” that included pictures of the missing women amongst the various Aboriginal organizations active in the neighborhood, and she also agreed that the reward poster should have been distributed to all Aboriginal communities throughout BC.

Shenher informed the Commission that she had been aware of the existence of the Vancouver Police and Native Liaison Society (“VPNLS”), and that its mandate was limited to helping bridge the gap between the police and Aboriginal communities. She also testified that VPD Constable Dave Dickson had introduced her to Freda Ens (“Ens”) and Morris Bates (“Bates”), both of whom worked at the VPNLS. She acknowledged that she and Bates maintained contact throughout the investigation, but noted that she only came to know Ens later on. She agreed that she had little contact with the VPNLS generally, in spite of the fact that its office was located directly below her own at 312 Main Street. Shenher was unaware that the VPNLS kept their own files on several of the missing women, and she agreed that therefore, she had never requested those files. She also conceded that she did not invite the VPNLS or any other Aboriginal organizations to a community meeting held at the Carnegie Center on February 9, 1999. Shenher acknowledged that more communication between herself and the VPNLS would have been beneficial to the investigation.

Shenher acknowledged that many of the victims’ family members had expressed frustration about being rebuffed by Sandy Cameron (a civilian clerk working in the Missing Persons Unit) when attempting to file

missing persons reports with the VPNSL. However, she added that she had only become aware of this problem in the later stages of the investigation.

Shenher also admitted that in various memorandums sent to her commanding officers outlining “next steps” for the investigation, she did not suggest any investigative steps tailored specifically to the Aboriginal community, nor did senior officers direct her to take such steps.

To conclude my cross-examination, Shenher acknowledged that there was no extensive and consistent communication between the VPD and the Aboriginal community, and that such communication would have been helpful to the investigation.

At the very end of her testimony at the Missing Women Commission of Inquiry, Commissioner Oppal asked Shenher to provide her opinion on areas that she feels the Commission should focus on. Shenher reiterated that the VPD failed to adequately engage with the Aboriginal community, and stated that they must focus more on overcoming the systemic barriers to an investigation when dealing with different cultures and disenfranchised groups. She indicated that, at minimum, this requires a greater degree of police engagement with the community so that people feel comfortable dealing with the police. The Commissioner also asked Shenher about the current relationship between the VPD and the Downtown East Side community, and she testified that although there have been some inroads made through programs like Sister Watch, many of the deeper systemic barriers remain. In closing, Shenher informed the Commission that the VPD tends to engage with the community on its own terms and on the assumption that the community trusts the police and will be open & forthright in disclosing information. By ignoring the communication barrier that results from the community’s ever-present distrust of the police, the VPD risks remaining blind to the complexities of community members’ lives and the issues they face.

D. THIS WEEK: STAFF SERGEANT MIKE CONNOR

This week, retired RCMP Staff Sergeant Mike Connor (“Connor”) will testify at the Missing Women Commission of Inquiry. Connor began working with Shenher in August of 1998. At the time, he held the rank of corporal in the Serious Crime Unit at the RCMP’s Coquitlam Detachment, and became the lead investigator looking into Pickton as a suspect. However, in August of 1999, he was promoted and transferred away from the Pickton investigation. His request to remain involved was denied. While working on the Pickton case, Connor arranged surveillance, interviewed informants, and liaised with officers from other police agencies, including Lori Shenher and members of the Provincial Unsolved Homicide Unit.

Connor is likely to remain on the stand from February 6 to February 9, 2012.

E. THE COMING WEEKS: DON ADAM & DAVE DICKSON

The Commission anticipates that following Connor’s testimony, retired RCMP Inspector Don Adam (“Adam”) will take the stand.

Inspector Adam was assigned to command a joint VPD/RCMP task force, known as Project Evenhanded, in November of 2000. Project Evenhanded began operations in January of 2001 by reviewing historical missing person files in order to create a list of suspects in the murders of Tracy Olajide, Victoria Younker & Tammy Lee Pipe (known collectively as “the Valley Murders”), since at that point in time it was thought likely that whoever was responsible for the Valley Murders was also responsible for the other missing women from the Downtown East Side.

Inspector Adam will be followed on the stand by retired VPD Constable Dave Dickson (“Dickson”). Constable Dickson was a well-known face on the Downtown East Side, as he worked for years as the community liaison officer and with the Vancouver Police and Native Liaison Society (“VPNLS”). Through his work, Dickson developed close relationships with many people in the neighbourhood, and he was generally considered to have the best street-level connections of any officer in the VPD. In 1997, Dickson reviewed a list of 71 missing and murdered Aboriginal women that included 55 names provided to the Attorney General of B.C. by the First Nations Summit. From that list, Dickson claimed that “all but two were accounted for”, in spite of the fact that seven of the women on his list had fallen victim to unsolved homicides, in addition to the two who were truly missing – their fates unknown at the time. In the second half of 1998, Dickson authored two memorandums to senior VPD managers that drew attention to the increasing number of missing women in the Downtown East Side, and encouraged a serious investigation. Dickson assisted Shenher with her investigation and was later assigned to the Missing Women Review Team, known also as Project Amelia.

I will continue to provide daily updates of witness testimony on my Twitter page. Please follow me at RobynGervaisMWI if you would like to receive these updates.

Please feel free to contact me if you would like to offer any comments, suggestions or insight.

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